

Remarks

Applicants respectfully request reconsideration of the present U.S. Patent application. Claims 1-25 stand rejected. Claims 1, 8, 15, and 21 have been amended. Applicants believe the amendments find support in the original specification as filed. No claims have been added or cancelled. Thus, claims 11-25 are pending.

REJECTIONS UNDER 35 U.S.C. §103

Claims 1-25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Mahalingam et al. (U.S. Pat. 6,052,733, hereinafter “Mahalingam”) in view of Anand, et al. (U.S. Pat. 6,141,705, hereinafter “Anand”). The Office Action states in part, regarding Mahalingam,

As per claims 1 and 8, it is disclosed by Mahalingam et al., of method and accessible medium having instructions, when accessed by a machine, directs the machine to perform tasks (col. 1, lines 37-40 and col. 18, lines 36-40). A team of network interface cards are shared and used for processing by the team for primary use processing (col. 2, lines 24-30). A network interface card (NIC) is chosen as the primary network interface card (col. 5, lines 1-3 & col 8, lines 55-59), which is interpreted by the examiner as assigning processing of the data to a first member. When it is determined that the primary network interface card (first member) is faulty (lacks the capability for processing the data), a functional (having the capability) secondary network interface card (second member) is given the tasks and appointed the new primary network interface card to process the data (col. 5, lines 29-44). Mahalingam et al. discloses of selection of a NIC that is less loaded than at least one other NIC in the plurality of NICs (col. 15, lines 29-34) whereby the examiner is interpreting this to mean that the other NICs are heterogeneous, or perform different tasks. The transition from the failed primary network interface card (first member) to the secondary network interface card (second member) is a transparent fail-over process to the client computer (col. 5, lines 3-8 & col. 6, lines 20-23). The teachings of Mahalingam et al., are silent in disclosing of secondary use processing.

(p. 2-3, Office Action 1/27/2005)

Amended Claim 1 reads as follows:

A method utilizing a team of heterogeneously sharing network interfaces providing primary and secondary use processing of data, comprising:
receiving data for processing by said team, two or more of the team operating in parallel;
assigning processing of said received data to a first member of said team; and
if said data is secondary use processing, determining if the first member lacks a capability required for processing said data, and if so, distributing processing of said data to at least one second member of said team having the capability, for transparent processing by the at least one second member on behalf of the first member, wherein said transparent processing facilitates heterogeneous sharing of said team even if the first member lacks the capability.

Applicants respectfully submit that Claim 1 is not rendered obvious by Mahalingam in view of Anand. A fair reading of the method of Mahalingam, relied on by the Office Action in its rejection of Claim 1, includes “**disabling** the primary NIC if errors are detected.” (Mahalingam, col. 2, line 31, emphasis added). Thus, in context, Mahalingam teaches a “[M]ethod [that] includes: binding a plurality of network interface cards into a group, wherein one of the network interface cards is the primary network interface card; sending data packets from a protocol stack to the address of the primary NIC; analyzing the primary NIC to determine if it is failing; **disabling** the primary NIC if errors are detected; and changing the address of the second NIC to the address of the first NIC.” (Mahalingam, col. 2, lines 24-33, emphasis added).

Thus, Applicants respectfully submit Mahalingam, through teaching a redundant backup mechanism, teaches away from the limitations of Claim 1 as does any combination of Mahalingam with Anand. The Office Action states in relevant part

A network interface card (NIC) is chosen as the primary network interface card (col. 5, lines 1-3 & col 8, lines 55-59), which is interpreted by the

examiner as assigning processing of the data to a first member. When it is determined that the primary network interface card (first member) is faulty (lacks the capability for processing the data), a functional (having the capability) secondary network interface card (second member) is given the tasks and appointed the new primary network interface card to process the data (col. 5, lines 29-44).

Extending the Office's reading of Mahalingam's teachings to its full context, Mahalingam teaches "**disabling** the primary NIC (the first member, per the Office's reading) if errors are detected."

In contrast, Claim 1 recites "two or more [network interfaces] operating in parallel." Thus, a fair reading of Claim 1, by specifying the type of processing transferred, teaches that of the at least two network interfaces contemplated to perform a processing, both may remain able to perform a processing after distribution of the contemplated processing. Further, the Office acknowledges Mahalingam is silent in disclosing secondary processing, further evidence that Mahalingam does not contemplate the limitations of Claim 1, in particular "operating in parallel" and "distributing processing of said data to at least one second member of said team having the capability." Thus, Mahalingam teaches away from Claim 1, as does any combination of Mahalingam with Anand, rendering Claim 1 non-obvious by Mahalingam in view of Anand.


Thus, Applicants respectfully submit Claim 1 is in condition for allowance and earnestly solicit such action. Independent claims 8, 15, and 21 recite limitations similar to Claim 1 and are thus similarly in condition for allowance, and such action is earnestly solicited. Claims 2-7, 9-14, 16-20, and 22-25 are dependent on Claims 1, 8, 15, and 21, respectively, and incorporate the limitations of Claims 1, 8, 15, and 21 respectively. Thus, claims 2-7, 9-14, 16-20, and 22-25 are likewise not rendered obvious by Mahalingam in light of Anand for at least the reasons above.

Conclusion

For at least the foregoing reasons, Applicants submit that the rejections to Claims 1, 2-6, 8-11, 13-16, 18-21, 23-26, and 28-30 have been overcome. Thus, claims 1, 2-6, 8-11, 13-16, 18-21, 23-26, and 28-30 are in condition for allowance and such action is earnestly solicited. The 35 U.S.C. § 103(a) rejections to claims 7, 17, and 27 are incomplete and further examination is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application. Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
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